

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 1-6, 11-22 and 26 were rejected under 35 U.S.C. 102(b) as being anticipated by Yamane (US Patent No. 6,155,132). Claims 1 and 16 have been amended to clarify that the second suspension setting is adjustable within a range of alternative second suspension settings without affecting the first suspension setting. This amendment is supported in the specification at paragraph [0030]. On the contrary, the gear shift device of Yamane may only be shifted between three predetermined and non-adjustable positions (see FIGS. 4-6). Yamane does not describe any structure or means for adjusting its three predetermined gear shift positions.

Examiner mischaracterizes element 73 of Yamane as an adjustment assembly, whereas the specification identifies element 73 as a second stopper 73, that along with the first stopper 72 and the third stopper 74 merely position lever 23 to one of its three predetermined gear shift positions. There is no mechanism in Yamane for adjusting any one of its three discrete gear shift positions. Further, Examiner mischaracterizes element 34 of Yamane as an adjustment screw, whereas the specification clearly identifies element 34 as merely a mounting bolt for lever 23, wherein paired tabs 47 are keyed into mating slots of hole 46 on mounting bracket 30 thereby preventing any rotation of mounting bolt 34. Further, locknut 51 threadably couples to threads 49 of bolt 34 to securely mount lever 23 to bracket 30. Note, once mounted, lever 23 is rotatable relative to bracket 30 but mounting bolt 34 is fixedly and nonrotatably secured to bracket 30 (see col. 6, lines 32-43). Accordingly, Yamane fails to disclose any means for adjusting any one of its three predetermined gear shift positions. Therefore, contrary Examiner's assertion, the adjustability of the second position of the claimed invention represents a structural difference between the claimed invention and the prior art. For this reason, the rejection of claim 1 and 16 should be withdrawn.

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Claims 2-6, 11-15, 17-22 and 26 were rejected as claims 1 and 16 under 35 U.S.C. 102(b). Since claims 2-6, 11-15, 17-22 and 26 depend directly or indirectly from and contain all the limitations of claim 1 or 16, they are felt to overcome the 102 rejection in the same manner as claim 1 or 16.

Claims 7-10 and 23-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yamane in view of Ekins (US 5,966,993). The combination of Yamane and Ekins fails teach or suggest a suspension adjustment actuator apparatus including an actuator assembly movable between first and second positions wherein a second suspension setting corresponding to the second position is adjustable within a range of alternative second suspension settings independently or without affecting a first suspension setting corresponding to the first position as claimed in the present invention. Therefore, this rejection should be withdrawn.

This amendment is believed to be fully responsive to the comments and suggestions of the Examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,

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